

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,                     )  
                    Plaintiff,                                     )  
v.   ) Case No. 1:17-cr-00224-AT-CMS  
   )  
ALLEN J. PENDERGRASS,                     )  
                    Defendant.                                     )

**DEFENDANT’S MOTION TO EXTEND SURRENDER DATE**

Mr. Pendergrass now asks this Court to grant his request to extend his surrender date until January 9, 2023. In support of this motion, he shows the following:

On December 3, 2022, Mr. Pendergrass was found guilty of all counts against him after a week-long trial. On August 26, 2022, this Court sentenced Mr. Pendergrass to 46 months in prison. Doc. 289. The Court also ordered that his surrender date should be no less than seventy-five days from the date of judgment. Doc. 289 at 2. Mr. Pendergrass is currently scheduled to self-surrender on November, 15, 2022. Doc. 308.

On September 14, 2022, Mr. Pendergrass filed a motion for bond pending appeal. Doc. 296. The government filed its response on October 3, 2022. Doc. 304. In its response, the government noted that 1) Mr. Pendergrass is not a flight risk and 2) Mr. Pendergrass does not pose a danger to the community. Doc. 304 at 3. The motion remains pending. Should the Court deny the request for bonding

pending appeal, Mr. Pendergrass asks that this Court extend his surrender date until January 9, 2023. Mr. Pendergrass makes this request so that he can spend his birthday (December 6<sup>th</sup>) and the upcoming holidays with his family. As previously noted, his wife of almost 30 years died in 2010. The holidays are a particularly difficult time of year for Mr. Pendergrass and his children. Mr. Pendergrass would like to be here in Atlanta with his family. Surrendering in January may also allow Mr. Pendergrass to ride out the worst of the fall Covid/Flu season in a safer and healthier environment than prison might provide.

On October 18, 2022, defense counsel emailed AUSA Tracia King to ask if the government objected to this request. The government has not yet responded, but Mr. Pendergrass is understandably nervous and has requested that the motion be filed today to allow him sufficient time to prepare in the event the motion is denied.

For all of these reasons, Mr. Pendergrass now asks this Court to grant his request to extend his surrender date until January 9, 2023.

Respectfully submitted this day 24<sup>th</sup> of October 2022.

<u>/s/SARALIENE S. DURRETT</u> Saraliene S. Durrett GA Bar No. 837897 1800 Peachtree Street Suite 300 Atlanta, GA 30309 404-433-0855	<u>/s/SYDNEY R. STRICKLAND</u> Sydney Rene Strickland Strickland Webster, LLC Suite 510-203 830 Glenwood Ave., S.E. Atlanta, GA 30316 404-590-7967
--	--